

ORIGINAL

14

United States District Court  
Northern District of Texas  
Office of the Clerk

1100 Commerce Room 14A20  
Dallas, Texas 75242-1003

September 27, 2005

05-30879  
DENISE PAGE HOOD

FILED

OCT - 4 2005

CLERK'S OFFICE, DETROIT-PSG  
U.S. DISTRICT COURT

David J. Weaver, Clerk of Court  
Theodore Levin United States Courthouse  
231 W. Lafayette Blvd.  
Detroit, Michigan 48226

SUBJECT: 3:05-CR-239-M USA v. Makki, et al (Tarek Makki/Dft. 1)

Dear Clerk:

The following documents are enclosed herewith pursuant to Rule 20 of the Federal Rules of Criminal Procedure:


MAGISTRATE JUDGE MONA K. MAJZO

Certified copies of the Information, Waiver of Indictment, Consent to Transfer of Case, and Docket Sheet

Please acknowledge receipt of the above file on the enclosed copy of this letter.

Sincerely,  
KAREN MITCHELL  
Clerk of Court

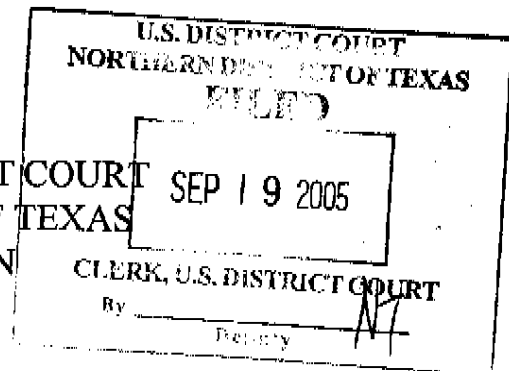
By:

  
\_\_\_\_\_  
Nicole Phillips  
Deputy Clerk

Enclosures  
Copy to Pre-Trial and AUSA

M/BH  
COPY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

NO. **3-05 CR-0239M**

v.

HON.

D-1 TAREK MAKKI,

Defendant.

**CONSENT TO TRANSFER OF CASE  
FOR GUILTY PLEA AND SENTENCE**

I, TAREK MAKKI, have been informed that an Information is pending against me in the above-captioned case. Pursuant to Rule 20(a) of the Federal Rules of Criminal Procedure, I state that I wish to plead guilty to the offense(s) charged, to consent to the disposition of the case in the EASTERN DISTRICT OF

Certified a true copy of an instrument  
on file in my office on September 27, 2005  
Clerk, U.S. District Court,  
Northern District of Texas  
By [Signature] Deputy

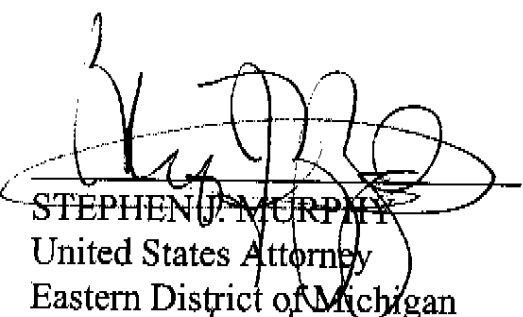
MICHIGAN, in Detroit, Michigan, in which I, TAREK MAKKI, am present, and to waive venue, trial, judgment, and sentencing in the Northern District of Texas.

  
TAREK MAKKI  
Defendant

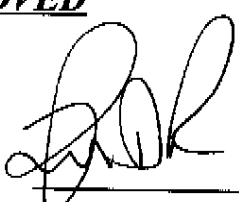
Date: 8/29/05

  
JAMES C. THOMAS  
Attorney for Defendant

**APPROVED**

  
STEPHEN J. MURPHY  
United States Attorney  
Eastern District of Michigan

Date: 9/14/05

  
RICHARD ROPER  
United States Attorney  
Northern District of Texas

Date: 9/14/05

RAMIREZ

**U.S. District Court  
Northern District of Texas (Dallas)  
CRIMINAL DOCKET FOR CASE #: 3:05-cr-00239-1  
Internal Use Only**

Case title: USA v. Makki et al

Date Filed: 09/19/2005

Assigned to: Judge Barbara M. G. Lynn

**Defendant**

**Tarek Makki (1)**

*TERMINATED: 09/27/2005*

represented by **James C Thomas**

Law Office of James C Thomas

535 Griswold St

2632 Buhl Bldg

Detroit, MI 48226

313/963-2420

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

18 U.S.C. 1623 FALSE

DECLARATION BEFORE A COURT

(1)

**Disposition**

Rule 20 Transfer to the Eastern District  
of Michigan, Detroit Division

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

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on file in my office on September 27, 2005  
Clerk, U.S. District Court,  
Northern District of Texas  
[Signature] Deputy

**Plaintiff**

**USA**

represented by **Joseph M Revesz**  
 US Attorney's Office - Dallas  
 1100 Commerce St  
 3rd Floor  
 Dallas, TX 75242  
 214/659-8664  
 Fax: 214/659-8803 FAX  
 Email: joe.rcvesz@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
09/19/2005	<a href="#"><u>1</u></a>	FELONY INFORMATION as to Tarek Makki (1) count 1, Adham Mackie (2) count 2, Ali Makki (3) count 3. (nap, ) (Entered: 09/20/2005)
09/19/2005	<a href="#"><u>2</u></a>	***Magistrate Judge Irma C. Ramirez chosen by random selection to handle matters that may be referred in case as to Tarek Makki, Adham Mackie, Ali Makki (nap, ) (Entered: 09/20/2005)
09/19/2005	<a href="#"><u>2</u></a>	WAIVER OF INDICTMENT by Tarek Makki (nap, ) (Entered: 09/20/2005)
09/19/2005	<a href="#"><u>5</u></a>	CONSENT to Transfer of Case for Guilty Plea and Sentence as to Tarek Makki (nap, ) (Entered: 09/20/2005)
09/27/2005	<a href="#"><u>8</u></a>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Eastern District of Michigan, Detroit Division. Counts closed as to Tarek Makki (1) Count 1. (nap, ) (Entcred: 09/27/2005)

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED  
SEP 19 2005  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

**V.**

~~3<sup>No</sup>-05 CR-0239M~~

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on file in my office on September 27, 2005  
Clerk, U.S. District Court,  
Northern District of Texas  
By Nicole Phillips Deputy

Design,” as well as United States registered copyrights for the design on the Zig Zag Products’ booklets.

- e. On July 29, 1999, the presiding judge in the Lawsuit, entered an order preliminarily enjoining all of the defendants in the case from, *inter alia*, importing, distributing or selling infringing Zig Zag Products in the United States (hereafter referred to as the “Order”).
- f. Subsequent to the Order, several of the defendants settled with Bolloré, leaving only four defendants in the Lawsuit, including **Tarek Makki** and **Adham Mackie**.
- g. Defendants **Tarek Makki** and **Adham Mackie**, ignored the Order and continued their part in the manufacture of counterfeit booklets, cartons and shipping cases in Jakarta, Indonesia and the re-packaging of bulk paper into counterfeit packaging for shipment into the United States for distribution.
- h. On May 11, 2001, as a result of the aforementioned continued trademark counterfeiting activity, the presiding judge entered an order setting a hearing to determine whether or not **Tarek Makki** and **Adham Mackie** were in contempt of the Order.
- i. On November 16, 2001, as a result of the aforementioned contempt hearing, which took place in Dallas, Texas on May 19, 2001, the presiding judge entered an ORDER OF CONTEMPT finding and concluding, in pertinent part, that the defendants, **Tarek Makki** and **Adham Mackie**, their agents, officers, employees, representatives, successors and assigns, and all other persons, firms or corporations acting in concert, privity or participation with them were in civil contempt of the Order

2. It was the burden of Bolloré during the aforementioned contempt hearing, to establish that the defendants therein were in civil contempt of the Order.

3. In order for Bolloré to satisfy its burden of proof, it was material to said contempt hearing that Bolloré establish that defendants, **Tarek Makki** and **Adham Mackie**, continued to be involved with the distribution of counterfeit Zig Zag Products, in this case, the manufacture of booklets, cartons and shipping cases in Jakarta, Indonesia, and the re-packaging of bulk paper into counterfeit packaging and the shipment of said products to the United States for distribution therein .

Count One  
False Declaration Before a Court  
(Violation of 18 U.S.C. § 1623)

1. The United States Attorney herein realleges and incorporates by reference the allegations contained in the Introduction to this information as if fully set forth.

2. On or about May 29, 2001, in the Dallas Division of the Northern District of Texas, defendant, **Tarek Makki**, while under oath as a witness in a hearing then being held before the United States District Court for the said district entitled, *Bollore, S.A., v. Import Warehouse Inc., et al.*, Civil Action No. 3:99-CV-1196-R, did knowingly make false material declarations, that is to say:

a. defendant, **Tarek Makki** while under oath, did knowingly declare in testimony before said court, with respect to the aforesaid material matters, substantially as follows:

i. Q. You worked in the importation and exportation of Zig-Zag cigarette papers as well, didn't you?

A. Not to the States.

ii. Q. Not to the States?

A. Yes.

iii. Q. Your next paragraph in your declaration, which is Exhibit 2, you say, I am in compliance with the order.

A. Correct.

iv. Q. What do you mean by that?

A. Well, I meant that when I signed the declaration I was -- order (sic) not to import any Bollore product to the United States.



v. Q. And you haven't done that since --

A. Correct.

vi. Q. -- June of 1999?

A. Since the restraining order.

vii. Q. And, in fact, you testified early (sic), I think, that you're not importing or exporting anything into the United States right now, correct?

A. Correct. I haven't done so.

- b. The aforesaid testimony of defendant, **Tarek Makki**, as he then and there well knew and believed, was false, and he did knowingly make false material declarations in his answers to questions numbered: i, ii, iii, iv, v, vi, and vii above, in that he then and there well knew when he gave said answers to said questions that he had continued to participate in the manufacture counterfeit Zig Zag Products, including booklets, cartons and shipping cases, in Jakarta, Indonesia and to re-packaging of bulk paper into counterfeit Zig Zag Products packaging and shipment of said products into the United States for distribution therein, in knowing violation of the July 29, 1999 Order of the Honorable Jerry Buchmeyer, United States District Judge.

In violation of 18 U.S.C. § 1623.

Count Two  
False Declaration Before a Court  
(Violation of 18 U.S.C. § 1623)

1. The United States Attorney herein realleges and incorporates by reference the allegations contained in the Introduction to this information as if fully set forth.

2. On or about May 29, 2001, in the Dallas Division of the Northern District of Texas, defendant, **Adham Mackie**, while under oath as a witness in a hearing then being held before the United States District Court for the said district entitled, *Bollore, S.A., v. Import Warehouse Inc., et al.*, Civil Action No. 3:99-CV-1196-R, did knowingly make false material declarations, that is to say:

a. defendant, **Adham Mackie**, while under oath, did knowingly declare in testimony before said court, with respect to the aforesaid material matters, substantially as follows:

i. Q. Have you, yourself, had any involvement in the distributing, manufacturing or selling Zig-Zag cigarette paper product since July 29 of 1999?

A. Absolutely not.

ii. Q. Have you ever had anybody on your behalf manufacture, distribute or sell Zig-Zag cigarette paper product since July 29 of 1999?

A. Absolutely not.

iii. Q. Haven't sold it, haven't touch (sic) it, haven't moved it; correct?

A. You're right.

- b. The aforesaid testimony of defendant, **Adham Mackie**, as he then and there well knew and believed, was false, and that he did knowingly make false material declarations in his answers to questions numbered: i, ii, and iii above; in that he then and there well knew as to said answers to said questions that he had continued to participate in the manufacture counterfeit Zig Zag Products, including booklets, cartons and shipping cases, in Jakarta, Indonesia and to re-packaging of bulk paper into counterfeit Zig Zag Products packaging and shipment of said products into the United States for distribution therein, in knowing violation of the July 29, 1999 Order of the Honorable Jerry Buchmeyer, United States District Judge In violation of 18 U.S.C. § 1623.

Count Three  
False Declaration Before a Court  
(Violation of 18 U.S.C. § 1623)

1. The United States Attorney herein realleges and incorporates by reference the allegations contained in the Introduction to this information as if fully set forth.

2. On or about May 29, 2001, in the Dallas Division of the Northern District of Texas, defendant, **Ali Makki**, while under oath as a witness in a hearing then being held before the United States District Court for the said district entitled, *Bollore, S.A., v. Import Warehouse Inc., et al.*, Civil Action No. 3:99-CV-1196-R, did knowingly make false material declarations, that is to say:

a. defendant, **Ali Makki**, while under oath, did knowingly declare in testimony before said court, with respect to the aforesaid material matters, substantially as follows:

i. Q. And do you any work (sic) for a company called General Imports?

A. Yes, that's my company.

\*\*\*

ii. Q. Did Tarek Makki know that you and your company, General Imports, were doing business in Bollore Zig-Zag goods?

A. No.

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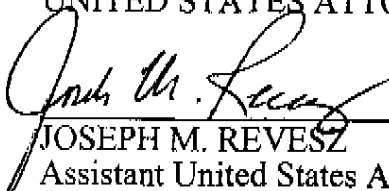
iii. Q Did Tarek Makki or Joe Makki assist you or General Imports in any way whatsoever in your purchase and distribution of Bollore Zig-Zag goods in Michigan?

A. No, they didn't.

b. The aforesaid testimony of defendant, **Ali Makki**, as he then and there well knew and believed, was false, and that he did knowingly make false material declarations in his answers to questions i, ii, and iii above, in that he then and there well knew that he had been directed and assisted by defendants, **Tarek Makki** and **Adham Mackie**, in the purchase and distribution in Michigan of counterfeit Zig Zag Products through his company, General Imports, in violation of the July 29, 1999 Order of the Honorable Jerry Buchmeyer, United States District Judge.

In violation of 18 U.S.C. § 1623.

RICHARD B. ROPER  
UNITED STATES ATTORNEY

  
JOSEPH M. REVESZ  
Assistant United States Attorney  
State Bar of Texas No. 16792700  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214.659.8664  
Facsimile: 214.659.8803

M/BH  
COPYIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISIONU.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

SEP 19 2005

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy *AF*

THE UNITED STATES OF AMERICA §

v. §

TAREK MAKKI (1) §

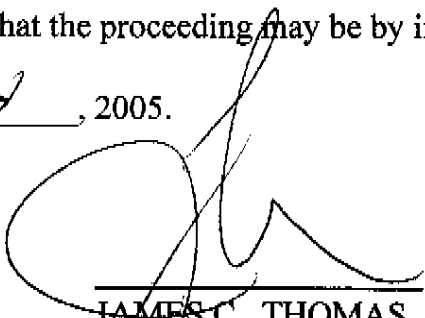
No. \_\_\_\_\_

§ 3-05 CR-0239M  
§WAIVER OF INDICTMENT

**Tarek Makki**, defendant, who is accused of violating 18 U.S.C. § 1623, in that:

On or about May 29, 2001, in the Dallas Division of the Northern District of Texas, defendant, **Tarek Makki**, while under oath as a witness in a hearing then being held before the United States District Court for the said district styled: *Bollore, S.A., v. Import Warehouse Inc., et al.*, Civil Action No. 3:99-CV-1196-R, did knowingly make false material declarations, as charged in Count One.

**Tarek Makki**, being advised of the nature of the charges and of his rights, hereby waives prosecution by indictment and consents that the proceeding may be by information

SIGNED THIS 19th day of August, 2005.  
TAREK MAKKI  
Defendant  
JAMES C. THOMAS  
Attorney for Defendant  
Michigan Bar #P23801  
535 Griswold Street  
2632 Buhl Building  
Detroit, MI 48226  
Tel. 313.963.2420

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on file in my office on September 27, 2005  
Clerk, U.S. District Court,  
Northern District of Texas  
By Nicolaus Deputy